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This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act (19 U.S.C. 1675 (a)(1) and 19 U.S.C. 1677f(i)(1)) and 19 CFR 353.22.

Dated: April 7, 1998.

Robert S. LaRussa,
Assistant Secretary for Import
Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-806]

Certain Small Business Telephone Systems and Subassemblies Thereof From Taiwan; Notice of Court Decision

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

SUMMARY: On February 25, 1998, the Court of International Trade affirmed the Department of Commerce's remand determination in *Taiwan International Standard Electronics, Ltd. v. United States*, Court No. 92-08-00532, and *Tecom Co., Ltd. v. United States*, Court No. 92-08-00538. These cases involve litigation challenging the Department of Commerce's final results of the August 3, 1989, through November 30, 1990, antidumping duty administrative review of certain small business telephone systems and subassemblies from Taiwan. This Court decision was not in harmony with the Department's original determination in this review.

EFFECTIVE DATE: April 16, 1998.

FOR FURTHER INFORMATION CONTACT: Charles Riggle, Office 2, Group 1, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., N.W., Washington, D.C. 20230, telephone: (202) 482-0650.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 1992, the Department published notice of its final results of antidumping duty administrative review of certain small business telephone systems and subassemblies from

Taiwan, covering the period August 3, 1989, through November 30, 1990. *Certain Small Business Telephone Systems and Subassemblies Thereof From Taiwan; Final Results of Antidumping Duty Administrative Review*, 57 FR 29283 (July 1, 1992). In these final results, the Department determined dumping margins of 129.73 percent ad valorem for Taiwan International Standard Electronics, Ltd. (TAISEL) and 18.10 percent ad valorem for Tecom Co., Ltd. (Tecom) for the period of review (POR). Following publication of the Department's final results, TAISEL and Tecom filed lawsuits with the Court of International Trade (CIT) challenging the Department's final results.

In *TAISEL v. United States*, Slip-Op. 97-40 (April 4, 1997), the CIT directed the Department to: (1) Reconsider TAISEL's response to determine whether the Department can exclude returned entries of SBTs covered by canceled sales from assessment of antidumping duties; and (2) assign to TAISEL a best information available (BIA) rate consistent with the Federal Circuit's decision in *Allied-Signal Aerospace Co. v. United States*, 996 F.2d 1185 (Fed. Cir. 1993). On July 3, 1997, in its remand determination, the Department: (1) Excluded from assessment of duties certain entries for which TAISEL provided documentation showing that such entries were returned as a result of canceled sales; and (2) assigned TAISEL a BIA margin based on the margin recalculated for Tecom in the same remand. As a result of this redetermination, the Department assigned a BIA margin of 8.24 percent to TAISEL for the POR.

In *Tecom Co. v. United States*, Slip-Op. 97-42 (April 4, 1997), the CIT directed the Department to: (1) Use Tecom's data contained on a computer tape submitted on July 29, 1991; (2) reconsider Tecom's claims for circumstance-of-sales adjustments, as well as its claim for an adjustment to foreign market value (FMV) for the provision of free gifts; and (3) reconsider Tecom's claim for a level-of-trade adjustment. In its July 3, 1997, remand determination, the Department: (1) Used the data contained on the July 29, 1991, computer tape; (2) disallowed Tecom's claimed circumstance-of-sale adjustments as well as its claimed adjustment to FMV for free gifts; and (3) granted a level-of-trade adjustment. As a result of this redetermination, the Department calculated a dumping margin of 8.24 percent for Tecom for the POR.

On February 25, 1998, the CIT affirmed these redeterminations.

In its decision in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the Court of Appeals for the Federal Circuit (CAFC) held that the Department must publish notice of a decision of the CIT or the CAFC which is not in harmony with the Department's determination. Publication of this notice fulfills that obligation. The CAFC also held that the Department must suspend liquidation of the subject merchandise until there is a "conclusive" decision in the case. Therefore, pursuant to *Timken*, Commerce must suspend liquidation pending the expiration of the period to appeal the CIT's February 25, 1998 ruling or, if that ruling is appealed, pending a final decision by the CAFC.

Dated: April 7, 1998.

Robert S. LaRussa,
Assistant Secretary for Import
Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-827]

Notice of Amended Final Determination and Antidumping Duty Order of Sales at Less Than Fair Value: Static Random Access Memory Semiconductors From Taiwan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: April 16, 1998.

FOR FURTHER INFORMATION CONTACT: Shawn Thompson or David Genovese, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC. 20230; telephone: (202) 482-1776 or (202) 482-0498, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to the regulations codified at 19 CFR part 353 (April 1, 1996).

Amended Final Determination

In accordance with section 735(a) of the Act, on February 23, 1998, the Department made its final